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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,432	02/28/2002	Martin De Loye	Q68486	6237
7590	11/18/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/084,432	DE LOYE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Willie J. Daniel, Jr.	2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extension of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 02/28/2002
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to application filed on 28 February 2002. **Claims 1-7** are now pending in the present application.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on **28 February 2002** is in compliance with the provisions of 37 CFR 1.97 and is being considered by the examiner.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “**14**” has been used to designate both “**PLMN**” and “**PSTN**”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “**Replacement Sheet**” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
4. This list of examples is not intended to be exhaustive.

***Specification***

5. The disclosure is objected to because of the following informalities:
- a. Applicant states "o" on pg. 3, line 9. Examiner interprets as "of".
  - b. Applicant states "exchange11" on pg. 4, line 17. Examiner interprets as "exchange 11".

Appropriate correction is required.

***Claim Objections***

6. **Claim 7** is objected to because of the following informalities:

- a. Applicant states "o" on pg. 2, line 24. Examiner interprets as "of".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lu et al.** (hereinafter Lu) (US 5,99,813) in view of **Chawla et al.** (hereinafter Chawla) (US 6,771,661 B1).

Regarding **Claim 1**, Lu discloses a cellular cPBX system (200) which reads on the claimed "wireless corporate communication system" comprising a private branch exchange

(cPBX 206), at least one base station (210) coupled with said private branch exchange (206), and a plurality of mobile station unites (MS 212) which reads on the claimed “corporate radio terminals” under the range of said base station (210) (see col. 6, lines 42-55; Figs. 3A-4A, 7), wherein

said private branch exchange (206) comprises means (254, RR - radio resource manager) for controlling the amount of resources allocated to each of said corporate radio terminals (212) (see col. 18, lines 44-60; col. 6, lines 44-55; col. 7, lines 4-10; col. 8, lines 11-24,41-47; col. 10, lines 1-3; col. 5, lines 16-28; Figs. 3A-4A, 7), where the cPBX allocates resources to mobile stations (212) in the cPBX system (206). Lu fails to disclose having the feature said base station comprising means for indicating to said corporate radio terminals the amount of resources they are allocated. However, the examiner maintains that the feature said base station comprising means for indicating to said corporate radio terminals the amount of resources they are allocated was well known in the art, as taught by Chawla.

In the same field of endeavor, Chawla discloses the feature said base station comprising means for indicating to said voice, facsimile, computer terminal (210, 211, 212) which reads on the claimed “corporate radio terminals” the amount of bandwidth which reads on the claimed “resources” they are allocated (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; Figs. 3-5), where the data communications device (201-1, e.g., PBX) provides bandwidth to the terminals (210) of the communication network (200) in which the base station and means would be obvious for communicating over a wireless transmission link.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature said base station comprising means for indicating to said corporate radio terminals the amount of resources they are allocated, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 2**, Lu discloses a private branch exchange adapted to be coupled to a base station (210), said private branch exchange (206) comprising a BSC (208) which reads on the claimed "switch" establishing communications to/from corporate radio terminals (212) located under the range of said base station (210) (see col. 7, lines 4-10; col. 8, lines 11-24,41-47; col. 10, lines 1-3; Figs. 3A-4A, 7), wherein said private branch exchange (206) comprises:

means (254) for controlling the amount of resources allocated to each of said corporate radio terminals (212) (see col. 18, lines 44-60; col. 6, lines 44-55; col. 7, lines 4-10; col. 8, lines 11-24,41-47; col. 10, lines 1-3; col. 5, lines 16-28; Figs. 3A-4A, 7), where the cPBX allocates resources to mobile stations (212) in the cPBX system (206). Lu fails to disclose having the feature means for sending messages to said base station comprising the amount of resources allocated to each of said corporate radio terminal. However, the examiner maintains that the feature means for sending messages to said base station comprising the amount of resources allocated to each of said corporate radio terminal was well known in the art, as taught by Chawla.

Chawla further discloses the feature means for sending allocation information which reads on the claimed "messages" to said base station comprising the amount of resources

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(bandwidth) allocated to each of said corporate radio terminal (210) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; Figs. 3-5, 7 “ref. 500”), where the data communications device (201-1, e.g., PBX) provides bandwidth to the terminals (210) according to the bandwidth information (e.g., event, times, topology changes, or occurrences) in which the base station and means would be obvious for communicating over a wireless transmission link.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature means for sending messages to said base station comprising the amount of resources allocated to each of said corporate radio terminal, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 3**, Lu discloses a private branch exchange (206) according to claim 2, further comprising a registry (252) which reads on the claimed “database” storing user profiles of said corporate radio terminals (212) (see col. 7, line 59 - col. 8, line 10; col. 9, lines 8-13; col. 27, lines 34-45; Figs. 3A-4A, 7, 13A), where the HLR/VLR registry (database) maintain information of the user for providing services in which the profile would be obvious. Lu fails to disclose having the feature said amount of resources allocated to a corporate radio terminal depending on the profile of said corporate radio terminal stored in said database. However, the examiner maintains that the feature said amount of resources allocated to a corporate radio terminal depending on the profile of said corporate radio terminal stored in said database was well known in the art, as taught by Chawla.

Chawla further discloses the feature said amount of resources (bandwidth) allocated to a corporate radio terminal (210) depending on the profile of said corporate radio terminal (210) stored in said network policy resource allocation table (400) which reads on the claimed "database" (see col. 13, line 7 - col. 14, line 58; col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; Figs. 3-5, 6 "ref. 400", 7), where the data communications device (201-1, e.g., PBX) has a table (400) for indicating the resources to be allocated to the terminals (210) such as during a typical twenty-four hour period in which the profile would be obvious for providing an individual terminal with resources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature said amount of resources allocated to a corporate radio terminal depending on the profile of said corporate radio terminal stored in said database, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 4**, Lu discloses a cPBX system (200) (see Figs. 3A-4A, 7), where the system (200) is connected to a public network (202). Lu fails to disclose having the feature wherein said amount of resources allocated to a corporate radio terminal communicating with a public communication network over said corporate communication system depends on the effective amount of data destined to said corporate radio terminal and received at the interface between said corporate communication system and said public communication network. However, the examiner maintains that the feature wherein said amount of resources allocated to a corporate radio terminal communicating with a public

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communication network over said corporate communication system depends on the effective amount of data destined to said corporate radio terminal and received at the interface between said corporate communication system and said public communication network was well known in the art, as taught by Chawla.

Chawla further discloses the feature wherein said amount of resources allocated to a corporate radio terminal (210) communicating with a public communication network (e.g., Internet, extranets, or WAN's) over said corporate communication system (200) depends on the effective amount of data destined to said corporate radio terminal (210) and received at the interface between said corporate communication system (200) and said public communication network (e.g., Internet, extranets, or WAN's) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-32; Figs. 3-5, 7), where the data communications device (201-1, e.g., PBX) provides resources to be allocated to the terminals (210) for communicating with connected networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature wherein said amount of resources allocated to a corporate radio terminal communicating with a public communication network over said corporate communication system depends on the effective amount of data destined to said corporate radio terminal and received at the interface between said corporate communication system and said public communication network, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 5**, the combination of Lu and Chawla discloses every limitation claimed, as applied above (see claim 2), in addition Lu further discloses a private branch exchange (206) according to claim 2, wherein said amount of resources allocated to a corporate radio terminal (212) depends on the amount of traffic in said private branch exchange (206) (see col. 8, lines 11-24,41-47; col. 18, lines 44-60; Figs. 3A-4A, 7).

Regarding **Claim 6**, Lu fails to disclose having the feature wherein said amount of resources allocated to a corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal. However, the examiner maintains that the feature wherein said amount of resources allocated to a corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal was well known in the art, as taught by Chawla.

Chawla further discloses the feature wherein said amount of resources allocated to a corporate radio terminal (210) is dynamically updated during a communication to/from said corporate radio terminal (210) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25,33-57; Figs. 3-5, 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature wherein said amount of resources allocated to a corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 7**, Lu discloses a base station (210) adapted to be coupled to a private branch exchange (206) comprising a TRX module (530) which reads on the claimed “module” for sending data which reads on the claimed “messages” to corporate radio terminals (212) under the range of said base station (210) (see col. 19, lines 34-38;61; col. 20, lines 1-27; Figs. 3A-4A, 7-9). Lu fails to disclose having the feature indicating the amount of resources each of said corporate radio terminal is allocated, said amount of resources being determined by said private branch exchange. However, the examiner maintains that the feature indicating the amount of resources each of said corporate radio terminal is allocated, said amount of resources being determined by said private branch exchange was well known in the art, as taught by Chawla.

Chawla further discloses the feature indicating the amount of resources each of said corporate radio terminal (210) is allocated, said amount of resources being determined by said private branch exchange (201-1) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; col. 13, lines 6-20; Figs. 3-5, 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature indicating the amount of resources each of said corporate radio terminal is allocated, said amount of resources being determined by said private branch exchange, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR  
14 November 2004

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